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SPEECH OF MR. DANA,

OF MASS.

In Senate, Jan. 12 and 13, 1837.—On the
Expunging Resolution.

MR. PRESIDENT: Having so recently taken a seat in this chamber, and having neither inclination nor skill for public debate, I should most gladly have given a silent vote on this subject; but, sir, the citizens of the State which I, in connection with my colleague, have the honor to represent, take a deep and lively interest in this question, and I should be unwilling to renounce my duty, and regardless of their feelings, were I to remain silent upon it. Maine, sir, is at one extremity of the Union, in a high latitude and cold climate; but sir, she has fertile soil, immense forests of timber, with her thousand streams to beat it to the ocean; she is a border State, skirted by the dominions of his Britannic Majesty; she has a large territory (if she was permitted to enjoy it) and a boundless seaboard, laded with numberless bays and harbors, filled with ship yards, ships, and co. mercie;—these lead her citizens to an intercourse with the subjects of their royal neighbor, and by them we are told that we have no Government; that our "King is deposed"; that our President has been tried and condemned by our Senate, and that soon we shall come under the dominion of their King. However gratifying this thought may be to some in our Union, it has but few advocates with us. This leads the *hardy, industrious, inquisitive* citizens of the *East* to inquire what has our beloved President done? Is it true that the Senate have condemned him?—Can it be, that he, who has triumphantly carried us through so many perils, and always been the people's friend, has betrayed us at last? Let us look into it; let us examine the subject!—With this *inquiring spirit*, so peculiar to the people of the *North*, my constituents will be satisfied with nothing short of a *fair and full investigation* of the subject, and a just and impartial decision of the same. And that I may the more readily come to the investigation of it, and not wander from it, I ask permission to have the resolution of March 28, 1834, read from the desk.

This resolution (in these words, "Resolved, That the President, in the late proceeding in relation to the revenue he has assumed on himself authority and power not conferred by the Constitution and laws, but in derogation of both,") holds up the President to the people as an usurper; a violator of that constitution which he has sworn to support.

My first inquiry, Mr. President, is, how was this resolution passed? In what capacity did this honorable Senate act when they passed it?

This body has a legislative and Executive character, and, in one instance, and in one alone, a judicial character, viz: the trying of impeachments.

Although the Senate has a legislative character, yet it is presumed that this body would act in that capacity only on subjects of legislation. And this surely could not be such;

there is no matter on which legislative action could be had. If the President was guilty of a violation of the constitution and laws, if he had committed high crimes and misdemeanors, no legislation would reach him; he must be tried by the constitution and the laws, as they existed at the time of his supposed offence. To me it is clear that this honorable body had no legislative jurisdiction on this subject. Did they then act in their Executive capacity? No, sir; for the records show no such proceedings in the Executive business. He must have been tried; then, by this honorable Senate in their judicial capacity; and this body has the sole power to try all impeachments given it by the Constitution, and when sitting for that purpose, in their judicial character. The rules of procedure, as adopted December 31, 1801, in this honorable Senate, to be observed in cases of impeachment, require "that at 12 o'clock of the day appointed for the trial of the impeachment, the legislative and executive business shall be suspended," and the Secretary shall then administer the following oaths to the president of Senate;—you solemnly swear (or affirm) that all things appertaining to the trial of the impeachment of —————, you will do impartial justice according to the Constitution and laws of the United States, and the President shall administer the said oaths to each Senator present." This clearly shows, Mr. President, the views which this honorable body had before entertained of their own powers, and at a time too when they were cool and dispassionate, and about to exercise their high judicial functions. Here sir, you find an important fact that the Senate never did exercise their legislative and judicial functions at the same time; they are distinct in their natures, and have ever been so considered by this honorable body, and so exercised by them until the 28th of March 1834, when, for some purpose, of which I will

not now speak, for the first time, (and God grant that it may be for the last) the legislative and judicial functions of this body, contrary to their own rules of procedure, and in violation of the constitution, were exercised at one and the same time and a judicial sentence is clothed in legislative language. If the object was, sir, to bring a bold offender to justice, why not pursue the legal and constitutional course? Why violate both? But if the object was to exhibit the President as a daring usurper, and unworthy of the confidence of the people, this scheme, this project, would seem to have been the most probable to accomplish it. But it has failed, totally failed.

Again, sir, another rule of this body, adopted at the same time as the former, requires that a summons shall be issued to the person accused, which summons shall be signed by their Secretary, sealed with their seal, and served by their Sergeant-at-arms. This rule also shows clearly that this honorable body never contemplated the exercise of their legislative and judicial functions at the same time. Then, sir, if this position is correct, the sentence of condemnation contained in this resolution is a judicial act, and could only have been done by a judicial tribunal.

Again, sir, it is the right of the accused to have the offence with which he is charged, clearly set forth, and to be duly notified of the time and place of trial; to have an opportunity to appear before this august tribunal, hear the allegations and proofs against him, and confront his accusers, face to face, and then to make his defence. Now, Mr. President, let me ask, when the chief Magistrate of this nation was condemned, in the resolution proposed to be expunged, did this body suspend legislative and executive business? Did they organize themselves as a judicial tribunal? Did the President of the Senate take the above oath prescribed by the rules of this honorable body? Did he administer the same to the Senators present? Was the accused furnished with a full and clear description of the charges brought against him? Was he notified of the time and place of trial? And was he permitted to face his accusers?—If not, then, sir, permit me to ask, has he been tried by the rules presented by this honorable body? No, sir, he has been tried and condemned for a violation of the constitution and laws of his country, which he had sworn to support, contrary to our own rules—rules which this body had adopted for the trial of such offenders as he is accused of being.

Mr. President: Having shown that the President was tried and condemned without form, I will now inquire if he has been tried according to the provisions of the Constitution and laws of our country? In what cases, let me ask, can this honorable Senate act in their judicial capacity? Let the constitution answer. "The Senate shall have the sole power to try all impeachments," and that instrument conveys to this body no authority to try except in cases of impeachment. Here is the extent of our power, and here is our authority limited. Yes, sir, we can try impeachments, and impeachments only; but, sir, can the Senate originate impeachments? No, sir, they cannot. The constitution has declared, in so many words, "that the House of Representatives shall have the sole power of impeachment." Have they exercised that power? Have they accused the President of assuming on himself authority and power not conferred by the Constitution and laws, and in derogation to both? Have they impeached him for so doing? Where is the evidence of it? Have they notified the Senate of such impeachment? No, sir, they have not done it. The impeaching power has never acted in this case. They have not accused the President of any offence whatever. When then, sir, I ask is our jurisdiction? We have no power until the House, the accusing power have impeached; none at all; not the shadow of any jurisdiction. Can it be, sir, that without even the forms prescribed by this honorable body, without an impeachment, without an accusation of any kind, we have assumed jurisdiction, tried and condemned the President of the United States for a violation of the Constitution and laws of his country? And shall this resolution remain on our journals, or shall it be expunged? Can this be done? Has the Senate a right to do it? There is no rule of more general application than this. The power which creates can destroy—the power which puts up, can put down—and why should not this rule apply as well to records as to all other cases?—"a man stand condemned on the record of this honorable Senate, unaccused and unheard?"—Tell it not in Gath!

Again, sir, I would expunge this resolution lest it should be considered as unprecedent. If, sir, it is permitted to remain, at some future period of great excitement, when passions and prejudice shall triumph over reason, and the Constitution shall be made to subserve the purposes of disappointed ambition—when a President less powerful than General Jackson, shall be in the way of Presidential aspirants, we may see the same scenes of March 1834, acted over again; and the power of the Central Legislature broken, and *that branch* of the Government proscribed at the feet of this. Then, sir, will our Government be ended, and the hope of civil liberty be extinguished. Far, far distant be that evil day.

Another reason, sir, why I would expunge this resolution is, because it violates a vital principle in our Constitution, and destroys one of the dearest and most important rights we possess, viz: a full, fair, and impartial trial; and because, sir, the Chief Magistrate of this nation—one who has done more for it than any man living—yes, the very man "who has filled the measure of his country's glory,"—has unjustly and unconstitutionally been deprived of this privilege, one to which the meanest citizen is entitled, and has been condemned without hearing. And again, sir, I would blot out this resolution from our records because the American people have pronounced judgment against it; and not only they, but the people of both the continents have done it. Nor is this all, sir. The resolution is derogatory to the character of the great principles of our national compact. A duty we owe ourselves as a co-ordinate branch of the Government, requires that we should not suffer this resolution to remain on our records. It is an open, bold and unprecedented attack upon the Chief Executive; an act which, had it been successful, must have prostrated our constitution, destroyed our Government, and laid our institutions of civil and religious liberty in the dust. Then, sir, let me say to this honorable body, as we value these rights and privileges as we respect our own characters, and the high reputation of this Senate—let us at once blot out this stain.

Mr. President, one word in reply to the honorable gentleman last up, (Mr. Crittenden) and I will weary your patience no longer. Sir, we were yesterday admonished of our duties, and the sacredness of our oaths, and cautioned not to violate them in expunging this resolution. I [M. Post.

OFFICE SEEKERS vs. OFFICE HOLDERS.—It cannot be expected that these two classes of men can have much good feeling towards each other, especially if the ins. are mercenary and suspicious, and the outs. are clamorous and unprincipled. Office holders are sometimes bad enough in all conscience, and deserve to have the rotative principle applied to them by the people; but deliver us from restless, scheming, self-infused, meddlesome, disorganizing and unhappy office seekers. In the long catalogue of nuisances which every community are called upon to endure, we know of none to be compared to the inveterate office seeker, who fastens upon society like consumption upon its victim. At times he will flatter, then threaten, and if neither cajolery nor intimidation will answer his purpose, intrigues, plots, cheating and gum-games come in play. Misrepresentation, fraud and abuse are the artifices of the office seeker, while at the same time he is the most radical democrat, and flaming patriot in the world. Your office seeker will promise to reform a thousand abuses, rectify all mistakes, cut off all excrescences, purify society, and do every thing else but work miracles. In the pursuit of his supreme object of worship, *Office*, this character foments like a bottle of small beer, a good representation of himself; and the croaker, busy body and unscrupulous maker, contrives by hook or by crook to disturb the peace of every one about him, and embroil a whole community—Friend is arrayed against friend, one section and interest against another, prejudices and ill will are provoked and dissensions fostered, for the very laudable, disinterested, and patriotic purpose of getting an office which the people choose to fill in a quiet manner in their own way, with a candidate of their own selection. Reader, make your own application of this subject.

Desperation.—An unsuccessful attempt has been made to rob the Bank of France. Two men placed themselves in a passage through which the cashiers passed with the specie or bank notes necessary for the day's transactions. They seized upon one of these officers, who had 200,000 francs in notes, enclosed in a box, and attempted to put a pitch plaster over his mouth. He contrived, however, to give an alarm, upon which the robbers attempted to escape. One of them succeeded—the other was arrested and brought into one of the offices, where, while the officers were searching him, he seized a pistol and blew out his own brains.

Surplus Revenue.—It has been remarked by many writers that the national debt of Great Britain is a blessing to that nation—by producing a mutual dependence between the government and the people—by placing it beyond the power of either to act independently of the other, without suffering certain consequences which both are desirous of avoiding—the loss of debt on the one hand, and the loss of credit on the other. If a national debt—when the debts are due to the subjects of the government—is a blessing—what must a national-government wealth be, but a curse? Just in proportion to the amount of wealth that is possessed in the hands of government, will it be in the power of the officers of government to trample upon the laws, constitution and rights of the people, who import. It would only be necessary for the rated officers of government to have command of the currency of the nation (to obtain which they need to possess but a small portion of the whole wealth of the country) in order to rule the nation from Maine to Georgia with absolute and irresistible power. Yet under the

The Legislature of New Hampshire adjourned on the 14th inst. An act was passed for the suppression of bank notes of a less denomination than \$3.

Lexington, (Ky.) Jan. 6.—Gen. Santa Anna left thence yesterday, on his way to Washington city, accompanied by Col. Almonte, of the Mexican army, and Colonels Hookley and Patton of the Texan Army.

By the last accounts from the West, the Ohio and Missouri river were both so full of ice as entirely to intercept navigation. The Cincinnati Gazette of the 7th inst. says, "The pork business is in great activity, the price ranging from six to seven dollars per hundred, according to quality. Flour rates at about \$7.50 per barrel." Butter is quoted in the St. Louis papers at 50 cents a pound.

From the Boston Statesman.

Washington City, D. C., Jan. 14.—I had the good fortune yesterday to witness one of the grandest displays of eloquence that has been known to the Senate, since the great battle between Webster and Haynes. The subject under discussion was Mr. Benton's Expunging Resolution. Mr. Dana, of Maine, opened the debate, in a very modest and sensible support of the resolutions, and in a well directed argument, in answer to Mr. Crittenden, of Kentucky. He was succeeded by the fair-haired President, of South Carolina, who spoke in reply to Mr. Dana, and also at large upon various topics in which he chose to consider as connected with that expression of his feelings which he could not subdue. He disclaimed argument, and gave vent, to what, in mock gravity, he dignified as his emotions. His language was pretty, his allusions somewhat classic, and a little savoring of the sarcasm intended by the reference to the Bank, was admirable and justly severe. He was accused of introducing this stalking horse, as if to frighten children! "Sir," said Mr. R., "if gentlemen will study the history of events which have led to this present exhibition, and examine the subject, in every aspect, they will find the Bank of the United States is in truth and reality one the most important of the *dramatis personae* in this farcical tragedy which the gentleman from Maine did not intend to conjure up to view." And so indeed it will appear when recurrence is had to the ultimate cause of these proceedings, to wit: the removal of the deposits.

But it is in vain to dwell upon this noble effort—I cannot do it justice. No published account of the scene can describe it, or impart one half of the interest it absorbed. Those who witnessed it will remember, with lively satisfaction, a moment calculated to rouse one proud of his nature, as it exhibited the grandeur and power of the human intellect, in its fullest excellence, and employed in the noblest cause. Even I, a mere "looker on in Venice," left my bosom glowing with sentiments of the utmost indignation. I left that moment determined some power present that should annihilate, at one blow, at one scorching application, the whole effect of this insulting and exaggerated display. O that I could have had the opportunity and possessed the power! But where was it?

The gentleman from Virginia, the clear, the earnest, the pertinacious, the forcible, the quick and sagacious Rives was upon the floor in an instant, and in one continued, fluent, powerful burst of feeling and honest indignation dissipated the illusions of oratorial display, and tore away and utterly demolished the funeral tinsel which had been thrown over the subject, and exposed it in the naked, palpable light of a just, legal and constitutional transaction. He was not to be intimidated by denunciation, nor would he look to the gentleman from South Carolina for an interpretation of Virginia principles, for if they were subject to the measures of a *millionaire*, he renounced them forever. He could inform gentleman that he too had a conscience, and felt a duty, which every just consideration urged him to discharge, fearlessly, in voting to expunge the obnoxious resolution from the Journal of the Senate. He hoped his friends would not permit themselves to be ridden over and crushed by aristocratic arrogance and denunciations, coming from the overshadowing power of the monied interest; he did not believe that society should be horizontally, the upper portion oppressing the lower, but the divisions are vertical, and men stand side by side, parallel with each other, and upon the footing of equal rights and equal privileges. He was unwillingly forced into this debate in self-defense and in vindication of Virginia. He had intended to be silent upon the subject, because enough had been said, argument was exhausted, entirely exhausted. But he was compelled to assert that however unworthy the representative might be, Virginia, the ancient Commonwealth and the mother of Men, was Virginia still, and he stood up to attest to the rectitude of her course and principles, past, and present.

Mr. Preston immediately rejoined, in a manner, to be sure, intemperate. Though very mild he was tantalizing in the extreme. But he was obliged to resort to his usual *forte*, words, impudence, action and pompous exaggeration. He said Mr. Rives's passion had given birth to a rabble of ideots, and like the ink-fish, he had spouted around him the disagreeable atmosphere created by recollections of the Bank, and carrying the war into Africa, he had pressed into service the "raw head and bloody bones of nullification." Did not that rankle in Mr. Preston's breast? But he would not try to convince—*the argument, he agreed, was exhausted, and he had uttered feelings which he had tried to school and suppress. Proceed, gentlemen. This is hangman's day. Proceed to your office; do execution—the executioners are here; the awful moment has arrived. Execute what? O the poor Constitution. But draw your black lines; engrave them on the wall, and there, like the handwriting at Belshazzar's feast, let them frown upon every attempt to oppose executive usurpation. Tear out the leaves; carry them to your idol; show him the expunging lines, burn the records, and let the incense greet his nostrils. Will gentlemen, like eastern idolaters, sacrifice themselves? Oh, no; immolate the Tennessee should object. That gentleman had submitted a proposition which he must know could lead to no public good, and only to the gratification of his own private feelings.*

Mr. Bell. IT IS FALSE.
The Chair, "Order! order!" "Order!" was echoed from different parts of the House. Deep silence prevailed for some minutes, after which Mr. Jarvis said he had no answer to make HERE.
Mr. Mercer, of Va., appealed to Mr. Jarvis to repeat the words he had used, so that the house might judge of the extent of the provo-

like eloquence, that my mind can possibly conceive of. To say the least, I cannot wish to see a better. The views were so comprehensive, which had been applied to him should be withdrawn. After some minutes silence, Mr. Mercer offered a resolution that the gentleman from Tennessee and the gentleman from Maine having used such words, should be called upon mutually to give pledges to the House, that they would not prosecute any quarrel growing out of them. Before the question was announced on this resolution, several members rose successively, and gave explanations of the language which they understood Mr. Jarvis to have used. Mr. Bell said that the language used by the gentleman from Maine, was of a character that produced the impression on his mind that it was intended to impeach his motives and to insult him, and that, under that impression, he had used the strongest language to repeat it. He said, that if the gentleman would claim any intention to impeach his motives, or insult him, he would withdraw what he had said by way of retraction.

Mr. Jarvis made no answer.

Several members successively addressed the House and appealed to Mr. Jarvis to withdraw or explain his language.

In reply to a call upon Mr. Bell, Mr. Peyton said that his colleague had voluntarily stated that the thanks of the Senate be presented to Martin Van Buren, Vice President of the United States, in testimony of the impartiality, dignity and ability, with which he has presided over their deliberations, and of their entire approbation of his conduct in the discharge of the arduous and important duties assigned him as President of the Senate.

The bill prescribing and circulating the funds receivable for the revenue of the U. S. was further considered.

branch of our government entrusted with such extensive powers, and designed by our forefathers to accomplish such important results.

Indulging an ardent wish that every success may await you in performing the exalted and honorable duties of your public trust, and offering my warmest prayers that prosperity and happiness may be constant attendants upon each of you along the future paths of life, I respectfully bid you farewell.

Mr. Van Buren then retired, and the Senate proceeded to ballot for a President pro tem.

The ballots being deposited there appeared to be 38 votes given, 19 necessary to a choice, of which Mr. King, of Ala, had 27, Mr. Southard 7, and the others were scattering. Mr. King of Alabama, was therefore declared to be elected President pro tem, and he was conducted to the Chair by Mr. Benton.

The President pro tem then addressed the Senate.

The following resolution offered by Mr. Benton, was introduced and adopted.

Resolved, That the Senate cordially reciprocate the sentiments of personal kindness expressed by the Vice President towards the members of this body, on taking leave of them, and that the thanks of the Senate be presented to Martin Van Buren, Vice President of the United States, in testimony of the impartiality, dignity and ability, with which he has presided over their deliberations, and of their entire approbation of his conduct in the discharge of the arduous and important duties assigned him as President of the Senate.

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OXFORD DEMOCRAT.

Paris, February 7, 1837.

A very large meeting has been held in Portland, to take into consideration the present high price of flour and the causes that have produced it. From the statements made it would appear, that the supply now on hand, which is ample sufficient to satisfy the wants of the community, is held back by speculators in N. Y., who are the owners, for the purpose of raising the price to about 150 per cent, above what it cost them. A just and sound indignation is manifested by the citizens of Portland towards those who are thus striving to take bread from the mouths of the poor for the purpose of putting money in their own pockets. The meeting passed resolutions to abstain from the use of flour until the price shall be reduced to \$10 per barrel. They have caused a committee to notify the owners in New York that unless the price is reduced the flour had better be shipped.

In Marlboro, we are informed that similar proceedings have been had, and the people there have resolved to abstain from using flour until the price is reduced to \$2 per barrel.

A similar feeling is manifesting itself throughout the country on this subject, and a determination expressed to abstain from the use of flour until there is a considerable reduction in the price.

If these resolutions are carried out, in the object in view will, we have no doubt, be speedily accomplished.

The rage for speculation which for a number of years past has reigned among all classes, has extended itself to all objects. But there are some things it had better not meddle with. A hungry man is obstinate and sometimes unreasonable. His patience is soon exhausted, and he is apt to turn to rash and even violent means.

If there is an absolute scarcity, the buyer must expect to pay a higher price for the article. But if the scarcity is fictitious one, produced by monopoly, and the necessities of life are withheld from the market for the purpose of extorting extravagant profits from the consumer, those who deal thus must expect the indignation of the community. We have heard but a single voice in favor of the monopolists and that is the Augusta Agent, which appears to be concerned lest the owners of the flour should lose money if compelled to sell at the price fixed by the meeting at Portland. It therefore suggests that in order to be consistent, the meeting ought, when there is a large supply and the price low, to raise a subscription to indemnify the seller against loss. Now we do not understand the wishes of the citizens of Portland or any other place to be, that the owners of flour should sell at such prices as will cause them a loss, but on the contrary are willing that they should receive a handsome profit. And it appears to us they would do well in selling at \$10. Public sentiment is too strong on this subject to be successfully resisted for any length of time. The mechanic or the laborer (and we might add the professional man but no body pities him) whose wages remain the same or are but slightly increased, is compelled to pay double for all that he buys. There must be a corresponding rise in the price of labor or a fall in the price of the necessaries of life. Something must be done and that shortly.

Entering upon it with unaffected diffidence, we had known how little my studies had been directed to its peculiarities, I was yet strengthened by the determination then expressed so to discharge the authority with which I was invested, as "best to protect the rights, to respect the feelings, and to guard the reputation of all who would be affected by its exercise." I was sure that if successful in this, I should be pardoned for errors which I would hardly expect to avoid.

In the interval that has since elapsed, it has been our lot in this Assembly to pass through

several scenes of unusual excitement. The late interest in absorbing topics which has pervaded our whole community could not be unfeigned without these walls. The warmth of political parties, natural in such times, the unguarded order of

sudden debate, and the collisions seldom to be separated from the valuable privilege of free discussion, have not infrequently mingled with the more tranquil tenor of ordinary legislation. I cannot hope that, in emergencies like these, I have always been so fortunate as to satisfy every one around me. Yet I permit myself to think that the extent to which my decisions have been approved by the Senate, is some evidence that my efforts justify to administer their rules have not been vain; and I conscientiously cherish the conviction that on no occasion have I departed from my early resolution, or been regardless of what was due to the rights or the feelings of the members of this body.

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A CALUMNIATOR EXPOSED.

We understand it has been satisfactorily ascertained that H. W. Paine, a member of the House of Representatives from Holloway, is the author of the base, lying, and infamous attack upon the Speaker which appeared in the Gazette of the 18th ult. Mr. Paine may consider himself more indebted to the forbearance of the House, than to his own acts, that he is not expelled from a body to which, (if he is writer of that letter,) he has proved himself a disgrace.

We lament having occasion to speak thus harshly of any individual—but we owe a duty to our political friends, from the prompt performance of which it does not become us to shrink.—Portland Argus.

From a Correspondent of the Evening Post.

Washington, Jan. 17th, 1837.

At a late hour last evening the Senate reversed the decree of the Panic Senate against the patriot: Jackson, passing Mr. Benton's expunging resolution by a vote of 24 to 19. Judge Parker, of Virginia, and Mr. King of Georgia, were sick and absent. The present session on the occasion of right-retribution, were interrupted by some silly people in the gallery, who hissed on the announcement of the vote. They forgot that the day has gone by for the saving of the capital by the crackling or fizzing of geese.

One of the "Bank Russells," as Colonel Benton called the disturbers of this solemn tribunal, was brought to the bar, exposed to the indignant gaze of the spectators, and then suffered to go to those who probably sent him here.

One more triumph is to come. TANEY, the other martyr to Senatorial vengeance for republican integrity, will ere long sit in the midst of a full bench of the Supreme Court, in the supremacy of intellect and acquirements, robed in the mantle of the illustrious Marshall, receiving arguments constitutioal causes. Then, wisdom and meekness, joined to integrity, will be looked up to in the person of Roger B. Taney as the present and presiding genius of the highest court in which justice is administered to a grateful people; then, my word for it, this great man will rejoice in the firmness of Andrew Jackson, and in the wisdom of that Senate who confirmed his nomination of Chief Justice Roger B. Taney.

The following account, says the Eastern Argus, of a Scene which took place before Mr. Garland's investigating committee, on the 23d ult., is going the rounds:

"At the close of a series of silk-fag questions, Mr. Peyton inquired if he [Mr. Whitney] had not applied for, and been refused his present appointment by Mr. Secretary Taney. He refused to answer this, as well as the other questions, and remarked that he would not answer that man her, who had already stated that he [the House, which he, Mr. Whitney, had subsequently declared to be a falsehood, the proof of which he then and now challenged]. Mr. Peyton, irritated, drew a pistol, and said he was a scoundrel, but was prevented from treating him with violence. The committee ordered Whitney to withdraw; he did so. After which, the committee passed a unanimous vote of censure upon him. He was then recalled, and made a humble apology, expressed his regret for having insulted them, &c. Mr. Peyton told him to behave himself in future, for on the slightest suspicion further, he would shoot him on the spot."

Ton to one Peyton is a great coward—we never knew a man who was not a ready backer of pistols and dirks. We dare say that if Whitney had spit in his face, he would have done nothing but bluster—he would not have dared to draw the pistol he was so ready to draw. We have ever believed that such work could come partaker in a day as this.

Now we believe that the tributary can give, making the people money. All spleen, increase present expense, turning this accumulation must have immediate and general embarrassment of speculators would soon with the greatest facility.

Those who have ever been in the service of the army, and wish to back far, will vilify and denounce it. The public opinion of the country will be injured, though aided by receiving a share of the money drawn from them.

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clared to have taken place on the 10th of January.

The case was called up Tuesday, and the Jury empanelled between 11 and 12 o'clock, Counsel for the defendants F. H. Allen and John Appleton Esgs.—for the Government Edward Kent, Esq., and A. G. Jewett, County Attorney. It was considered a case of extreme aggravation and was attracting considerable notice.—Port. Cour.

From the Socio-Democrat.

The disposition of the Surplus Revenue, we consider the most important matter which will come before our Legislature at the present session. We have in discharge of our duty as conductor of a democratic press, opposed all partial appropriations of money which is the property of the whole.

In the disposal of this fund, the whole mass of our population have an equal interest. Here "the rich and the poor meet together" and learn "that however unequal in other respects, they are allowed perfect equality when taxes are assessed on the necessities of life, and those articles upon which the better conditioned speculate." We wish this measure of equality to be preserved in the final issue. We wish equality in collection to be continued and carried out to perfect equality in distribution.

The projects conceived for lavish expenditure of what the Whigs in times past had the honesty to call "the people's money," are as various as the inventive genius of avarice and self-interest can devise—and numerous as the conning of light and shade. Petitions for outlay will swarm in our Legislative Halls, numerous as the plague of frogs in Egypt, and will prove equally troublesome. The "soul is sick with every day's report" of schemes, wider than wild land speculations, with which the State is filled.

For the stand we have taken we have received denunciation, alike from Federal opponents and professed democratic coadjutors—we have been held out by misrepresentation, as opposed to Internal Improvements, and every plan which shall advantage and develop the resources of our State. In opposing the appropriation of the Surplus fund to purposes of Internal Improvement, we are not aware of having avowed any degree of hostility to the interests of the State. But we contend that the State should keep aloof—not suffer itself to become paraker in any such plans. If individuals see clearly great advantage from running a Rail Road from Bangor to Boston we make no objection to their undertaking the work on their own responsibility. We would bid them God speed, and heartily welcome to all the avails which would accrue from such consummation of their desires. We should rejoice at accumulated profits to individuals in our own State from every right source. But when the State is to be taken into partnership, and made to stand backer for individual default, we deem it a duty to the people of the State to enter protest to such proceeding in advance. We have no idea of "a kingdom within a kingdom."—We would place no "power behind the throne" which should direct all plans and issues and yet screen itself from observation or responsibility. We oppose all such partnership. Let the State own such works entire or not at all.

We have ever been aware that when the time should come for returning to the people money, taken from their pockets by unrighteous impost, the original and well meaning projectors of such plan would see many horns in the path of its accomplishment. The returning of this money to the people they never now seems impossible—or if it could be effected, the minute divisions to which it would attain, would render it of little benefit. They lament the evil of its accumulation, but the remedy seems too simple, to be regarded. Like the Leprous King, they despise the simple prescription of Israel's prophet and would fain do "some great thing."

Now we believe all the advantages which distribution can give, would be better attained by making the people the recipients of their own money. All splendid outlay would only increase present embarrassment. But the returning this accumulated hoard to the people must have immediate effect in alleviating general embarrassment. To be sure, the receipts of speculators would appear small in comparison with the great gains to which they have been accustomed. But then with the people the smallest favors are gratefully received and acknowledged. The widow's two mites, taken by unjust levy, equal the amount abstracted from those who contribute from their abundance. Equal distribution would return the poor widow her all, and those better conditioned would not be injured, though they might not be greatly aided by receiving the comparatively small sums drawn from their great accumulations.

Those who favor splendid schemes of Internal Improvement and Light Houses in the skies, and wish to back failing credit by Legislative aid, will vilify and denounce all plans for general distribution. But they will find, that the number of small potato politicians, like the Littleputian army, will prove too numerous to be annihilated by one blow, from the giant Goliath.

We still adhere to the opinion that the proposed plan for expending the Surplus funds upon works of Internal Improvement, is the perfection of rank Federalism. Money collected from the masses by impost, whether expended by the General or State Governments in Internal Improvements, carries out in effect the original design of the high Tariff party. The means, may, for appearance sake, be varied, but the result is the same. The design for Public Expenditure attempted under the Administration of John Quincy Adams will be in reality perfected.

CONGRESS.

Monday, January 23.—In Senate, Mr. Wright made a report against the N. Y. Memorial for the establishment of a National Bank in that city. The land bill was then taken up and amended. Mr. Walker commenced a speech, but without concluding gave way to an adjournment.

Tuesday, Jan. 24.—In the Senate no business of interest was transacted. The resolutions relating to the recognition of the independence of Texas were taken up, but further postponed without any action upon them.

In the House, Mr. Cambreleng from the Committee of Ways and Means, asked leave to be discharged from the further consideration of the Memorial in favor of a National Bank at N. Y.—granted. The bill for the admission of Michigan, was then taken up and discussed till the House adjourned.

Monday, Jan. 25.—The Senate was occupied until a late hour with private bills. The land bill was called up and postponed. In the House, the bill for the admission of Michigan was, by the aid of the previous question, ordered to a third reading. It was then read a third time, and was expected to be passed before the adjournment.

[Augusta Age.]

The new Senator from Indiana.—Mr. Smith of Indiana had avowed himself a friend of Mr. Van Buren before General Harrison became prominent as a candidate. He then declared his preference for General Harrison, but did not take ground against Mr. Van Buren as wanting his personal confidence, or objectionable on the score of political principle. We had this from private information. Knowing that Mr. Smith was elected over the opposition candidate, Governor Noble, by the friends of Mr. Van Buren, as a party, and the friends of Mr. Hendricks, on personal account, we stated that Mr. Smith would give the coming administration a fair support, and would not oppose it with a view to overthrow, and the bringing into power of the coalition of all the factions, in the person of their respective leaders. This is the attitude in which we felt authorized to place Mr. Smith, in relation to the administration. In a late letter, addressed to Mr. Vawter, a State Senator of Indiana, he speaks for himself as follows:—Globe.

"What course then should I pursue? The answer seems to me to be obvious. It is my duty to render myself as useful as possible to the State; and in order to do this, I should give the administration a fair and honest trial; I should judge of it by its acts, and not take it for granted that it would act wrong. I should give it an independent support in all measures calculated to promote the prosperity of the country, and to accelerate her march to her destined greatness, at the same time watching, with a vigilant and sleepless eye, its movements, opposing an independent and firm opposition, becoming the representative of a great State, all attempts to enroach on the constitution of the country or the rights of the people."

STATE OF MAINE.

EXECUTIVE APPOINTMENTS.

County of York.—Israel Chadbourne, Alfred, Sheriff; Elijah Littlefield, Wells, Inspector of Hops.

County of Washington.—Aaron L. Raymond, Machias, Clerk Judicial Courts; Albert G. Lane, Register of Probate, reappointed. January 26, 1837.

The Retort Direct.—Some time ago, my friend Aminadab paid me a visit from the country. He lives at Rock Hollow, and we frequently reciprocate civilities of the kind. When I visit Aminadab, he was very particular in showing me the products, pigs, poultry, &c. of his well cultivated farm; and when he comes to see me, I endeavor to make his time pass as agreeably as possible, showing him about the city and divers other attentions. At his last visit he wanted to purchase some agricultural books for his boys: so one day I accompanied him to the bookstore of my very particular friend, Mr. —. Aminadab had on a full suit of home made drab, country manufactured brogans and the identical broad brim that had sheltered his shoulders from sun and storm for full five years. He could not find exactly the books that he wanted and probably was a little troublesome. At least so thought the salesman; a pert young man, in starch and buckram.

You are from the country, are you not, sir? said he impudently.

'Yes.'

'Well—here is an Essay on the Rearing of Calves.'

'That,' said Aminadab, as he turned to leave the store, 'thee had better present to thy mother.'

Slander.—It is a poor soul that cannot bear slander. No decent man can get along without it; at least none that are actively engaged in the struggle of business life. Have a bad fellow in your employment and discharge him; he goes round and slanders you—let your conduct be such as to create the envy of another, he goes round and slanders you. In fine, as we said before, we would not give a cent for a person that is not slandered—it shows that he is either a micksop or a fool. No, no; earn a bad name from a bad fellow, (and you can easily do so by correct conduct,) it is the only way to prove that you are entitled to a good one.

EDWARD L. OSGOOD has been appointed Postmaster at Fryeburg, Me. vice Judah Da-

STATE OF MAINE.

EXECUTIVE APPOINTMENTS. County of York.—Simeon Stout, Jr., Limington, Chairman County Commissioners; William Hammond, Elliott, County Commissioner.

County of Oxford.—Levi Stowell, Dixfield, Register of Probate.

County of Penobscot.—Charles Stetson, Bangor, Clerk of the Judicial Courts; Albert G. Jewett, Bangor, County Attorney, reappointed.

Feb. 2, 1837.

Time for Matrimony.—The Economy of Health by Dr. Johnson, furnishes the following hints on this subject:

The most proper age for entering the holy bands of matrimony has been much discussed but never settled. I am entitled to my opinion; and although I cannot here give the grounds on which it rests, the reader may take it for granted that I could adduce, were this the proper place, a great number of weighty reasons, both moral & physical, for the dogma which I am going to propound.—The maxim then, which I would inculcate is this—that matrimony should not be contracted before the first year of the Septennate, or the part of the female, nor before the last year of the same in the case of the male. In other words, the female should be at least twenty-one years of age, and the male twenty-eight years. That there should be seven years difference between the ages of the sexes, at whatever period of life the solemn contract is entered upon, need not be argued, as it is universally admitted. There is a difference of seven years net in the actual duration of life, in the two sexes, but in the similitude of the constitution, the symmetry of the form and the lineaments of the face. The wear and tear of bringing up a family might alone account for this inequality; but there are other causes inherent in the constitution, and independent of matrimony or celibacy.

The projects conceived for lavish expenditure of what the Whigs in times past had the honesty to call "the people's money," are as various as the inventive genius of avarice and self-interest can devise—and numerous as the conning of light and shade. Petitions for outlay will swarm in our Legislative Halls, numerous as the plague of frogs in Egypt, and will prove equally troublesome. The "soul is sick with every day's report" of schemes, wider than wild land speculations, with which the State is filled.

In the stand we have taken we have received denunciation, alike from Federal opponents and professed democratic coadjutors—we have been held out by misrepresentation, as opposed to Internal Improvements, and every plan which shall advantage and develop the resources of our State. In opposing the appropriation of the Surplus fund to purposes of Internal Improvement, we are not aware of having avowed any degree of hostility to the interests of the State. But we contend that the State should keep aloof—not suffer itself to become paraker in any such plans. If individuals see clearly great advantage from running a Rail Road from Bangor to Boston we make no objection to their undertaking the work on their own responsibility. We would bid them God speed, and heartily welcome to all the avails which would accrue from such consummation of their desires. We should rejoice at accumulated profits to individuals in our own State from every right source. But when the State is to be taken into partnership, and made to stand backer for individual default, we deem it a duty to the people of the State to enter protest to such proceeding in advance. We have no idea of "a kingdom within a kingdom."—We would place no "power behind the throne" which should direct all plans and issues and yet screen itself from observation or responsibility. We oppose all such partnership. Let the State own such works entire or not at all.

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STATE OF MAINE.

EXECUTIVE APPOINTMENTS.

County of York.—Israel Chadbourne, Alfred, Sheriff; Elijah Littlefield, Wells, Inspector of Hops.

County of Washington.—Aaron L. Raymond, Machias, Clerk Judicial Courts; Albert G. Lane, Register of Probate, reappointed.

January 26, 1837.

A merciful Juryman.—A jury in Ireland having acquitted a murderer in the face of positive evidence of his crime, the counsel for the prosecution, curious to know the reason, addressed himself to one of the twelve, who he was informed had stood out for "not guilty."

"Arrah, Mr. Lawyer," was the reply, "do ye think I'd be after hanging the last life in my lease?"

The following toast was given at Providence on the late celebration of the anniversary of the Battle of New Orleans, by Mr. Charles T. Jones:—

"The long-winded representative from Virginia—a living proof that a man can be wise without wisdom."

Correspondence of the Eastern Argus.

AUGUSTA, Jan. 27, 1837.

Dear Sir—Nothing of importance is doing in the Senate this morning. A few petitions have come up from the House, and been referred to the proper Committees.

In the House the bill for the removal of the seat of Government was yesterday referred to a Committee of one from each County. That Committee have not yet reported. I am informed, however, that a new bill will be reported by them, altering the time for the action of the people from March and April to September. It will not vary much in other respects from the former bill which passed to be engrossed in both houses.

P. S. Since writing the above, the new bill has been reported and twice read, and tomorrow at ten o'clock assigned for a third reading.

GREAT PUBLIC MEETING.

We publish, in another column, the proceedings of one of the largest meetings ever convened in this city. The City Hall was as full as it could well be packed, and it is estimated that between eight hundred and a thousand persons were present. The meeting was addressed by Messrs. Megquier, Hardee, Greene, Blanchard, and Holden, and the resolutions were adopted with great unanimity. We hope the owners of the flour now in this market will be wise enough to profit by the exhibition of sealing which their extortionate demands have already called forth.

The Handsome Thing.

—A salute of ONE HUNDRED AND FORTY GUNS was fired in Baltimore in honor of the passage of the Expunging Resolutions—25 for Mr. Benton, and five for each of the other Senators who voted for his resolutions. After which a salute of 10 guns was fired in honor of the Legislature of Ohio, in consequence of their having EX-

PUNGED Mr. SOLITUDE EWING from the U. S. Senate.—[East. Argus.]

Feb. 2, 1837.

Wood & Bark wanted!

UCH of our subscribers as wish to pay for the Democrat in Wood or Bark would confer a favor by drawing it soon, as we are very much in need of it.

Jan. 2, 1837.

At a Court of Probate held at Paris, within and for the County of Oxford, on the third day of January in the year of our Lord eighteen hundred and thirty-seven.

¶ N the petition of Elisha Kyee, Guardian of Luther Pike of Jay, in said county Spendliffris, representing that the personal estate of said Spendliffris is not sufficient to pay the just debts, which he owes and charges of Guardianship, by the sum of one hundred dollars and praying for a license to sell and convey the whole of the real estate of said Spendliffris, for the payment of said debts and incidental charges as by a partial sale and the residue would be greatly injured.

Ordered,

That the petitioner give notice thereof to the heirs of said deceased and to all persons interested in said estate by causing a copy of this order to be published in the Oxford Democrat printed at Paris, in said County, three weeks successively, that they may appear at a Probate Court to be held at Paris in said County, on the first Tuesday of March next, at ten o'clock A. M., and shew cause, if any they have, why the prayer of said petition should not be granted.

STEPHEN EMERY, Judge.

Copy, Attest—Joseph G. Cole, Register.

THE subscriber hereby gives public notice to all concerned that he has been duly appointed and taken upon himself the trust of Administrator on the estate of

THOMAS PARTICK,

late of Porter in the county of Oxford, deceased, by giving bond as the law directs—he therefore requests all persons indebted to the said deceased's estate to make immediate payment; and those who have any demands thereon, to exhibit the same to

BENJAMIN WENTWORTH,

Porter, Jan. 23, 1837.

The subscriber hereby gives public notice to all concerned that he has been duly appointed and taken upon himself the trust of Administrator on the estate of

DANIEL BRACKETT,

late of Brownfield, in the county of Oxford, deceased, by giving bond as the law directs—he therefore requests all persons indebted to the said deceased's estate to make immediate payment; and those who have any demands thereon, to exhibit the same to

TIMOTHY GIBSON.

Brownfield, Jan. 23, 1837.

**325*

At a court of Probate held at Paris, within and for the County of Oxford, on the twenty-third day of January in the year of our Lord eighteen hundred and thirty-seven.

¶ HIRAM CLARK, surviving partner of Cyrus Clark late of Turner, in said county, deceased, having presented his account of large bills and notes now due.

To the Hon. Senate and House of Representatives, in

Legislature assembled.

¶ THE undersigned, inhabitants of Newry and of the unincorporated places called Andover-Surplus West, and North Surplus, in the County of Oxford, do hereby respectfully request that the legislature of the said Andover-Surplus West, and Letter A No. 2, be given for a long time and now laboring under many and great disadvantages, in consequence of their not belonging to some incorporated town—that, in their opinion, the said Andover-Surplus West, and Letter A No. 2, will not for a great number of years, have a sufficient number of settlers to entitle or require either of said tracts of land to be incorporated into a town or towns; and that the local situation of the present settlements upon the said tracts of land is such as to make their annexation to the said town of Newry both convenient and expedient.—Wherefore your petitioners pray your honorable body to grant Andover-Surplus West, and Letter A No. 2, as the west end south of the following road beginning at the corner of Andover-Surplus and Surplus on Newry line, and thence running North 10 degrees West to the division line between the Range 9 & 10, about three and half miles; thence North 71 degrees West to the end of the said Letter A No. 2; thence North 10 degrees West seven hundred rods to Letter A No. 1, and then South 82 degrees West to the corner of said Letter A No. 1, and said Newry, with all the rights, privileges and immunities of inhabitants, and as in due bound will ever pray.

(Signed) JONATHAN BARTLETT, and others.

STEPHEN EMERY, Judge.

Copy, Attest—Joseph G. Cole, Register.

At a Court of Probate held at Paris, within and for the County of Oxford, on the twenty-third day of January in the year of our Lord eighteen hundred and thirty-seven.

¶ EDUEL WASHBURN, Administrator of the estate of Joseph Goding late of Livermore in said county, deceased, having presented his first account of administration of the said deceased,

